

A2001-31
I-K-05

John Silvasi

04/07/03 09:50 AM

To: Joann Allman/RTP/USEPA/US@EPA

cc:

Subject: from OMB: DoD CAA SSC Informal Cooments on 8-hr O3 NAAQS
Implementation Proposed Rule

John J. Silvasi
Environmental Engineer
Ozone Policy and Strategies Group (C539-02)
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711
919-541-5666 (v); 919-541-0824 (fax)
silvasi.john@epa.gov

----- Forwarded by John Silvasi/RTP/USEPA/US on 04/07/03 09:50 AM -----



Amy_L._Farrell@omb.e
op.gov

02/14/03 07:53 AM

To: John Silvasi/RTP/USEPA/US@EPA

cc: Denise Gerth/RTP/USEPA/US@EPA, Jan

Tierney/DC/USEPA/US@EPA, Jim

Ketcham-Colwill/DC/USEPA/US@EPA, Kevin

McLean/DC/USEPA/US@EPA, Lydia

Wegman/RTP/USEPA/US@EPA, Tom Helms/RTP/USEPA/US@EPA,

Allen Basala/RTP/USEPA/US@EPA, Arthur_G._Fraas@omb.eop.gov,

tammy.schirf@navy.mil, jean.vernet@hq.doe.gov,

John_A._List@cea.eop.gov, Keith.Holman@sba.gov,

Cecilia.Ho@fhwa.dot.gov

Subject: DoD CAA SSC Informal Cooments on 8-hr O3 NAAQS
Implementation Proposed Rule

DOD comments

----- Forwarded by Amy L. Farrell/OMB/EOP on 02/13/2003 10:59
AM -----

(Embedded

image moved "Schirf, Tammy CIV" <tammy.schirf@navy.mil>
to file: 02/13/2003 10:42:39 AM
pic10943.pcx)

Record Type: Record

To: Amy L. Farrell/OMB/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: DoD CAA SSC Informal Cooments on 8-hr O3 NAAQS Implementation
Proposed Rule

Amy,

Thanks very much for the opportunity to provide comments on the Ozone
Implementation Rule. Following are the Clean Air Act Services Steering

Committee comments on the Rule as provided. If you have any questions, or would like to discuss further, please contact me.

Thanks again!

Tammy Schirf,
Chair, CAA SSC
phone: 703.602.4497
email: tammy.schirf@navy.mil

CAA SSC Comments on Proposed Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard

Issue: What requirements for General Conformity should apply to the 8-hour ozone standard?

Applicability

The General Conformity discussion is not complete. The draft rule needs to be revised to clarify that the discussion about when conformity applies to 8 hour ozone areas, the effect of the 1 year grace period, and how conformity applies for the 1 hour standard once the 1 hour standard is revoked, apply equally to both Transportation and General Conformity. Currently there is a good detailed discussion in Section V.C. where conformity is identified as one of the most significant issues in determining how to transition from the 1-hour to the 8-hour standard. The Transportation Conformity section, V.N., continues this detailed discussion but there is no mention of these important issues in the General Conformity section, nor is there any suggestion that they apply to General Conformity.

We recommend an introductory section that addresses these issues with respect to both types of conformity, followed by specific sections that describe requirements, timetables and issues unique to either Transportation or General Conformity.

State SIP Budgets

In our comments submitted to EPA in July 2002 in response to the posted issue papers, we requested that EPA provide direction to the states as to general conformity budgets and processes, such that states are able to develop their SIP budgets with appropriate adjustments for general conformity when revisions to the rule are finally proposed. The draft proposed rule to implement the 8-hour ozone NAAQS, provides that:

"EPA recommends that state and local air quality agencies work with major facilities which are subject to the General conformity Regulations (e.g., commercial airports and large military bases) to establish an emission budget for those facilities in order to facilitate future conformity determination. Such a budget could be used by Federal agencies in determining conformity or identifying mitigation measures." Page 217.

We support EPA's recommendation to the States and strongly urge EPA to retain the proposed language in the published proposed rule.

De Minimis Levels

The draft rule proposes to maintain the existing de minimis levels. However,

these levels are based on the Subpart 2 nonattainment classifications and this section of the proposal does not address de minimis levels for Subpart 1 areas that EPA has not proposed to classify by severity.

We recommend that EPA adopt higher thresholds for the Subpart 1 areas.

Issue: How will EPA reconcile subparts 1 and 2?

The draft rule contains an option to combine subparts 1 and 2 based on the 1-hour and 8-hour design values. EPA goes on to describe options for classifying subpart 1 areas to include an interstate transport classification.

We support EPA's proposal to allow certain areas with lower design values to be designated under Subpart 1 rather than Subpart 2. We also support the transport classification but believe it should be extended to include intrastate areas as well.

Issue: How will EPA address long-range transport of ground-level ozone and its precursors when implementing the 8-hour ozone standard?

EPA acknowledges that legal and equity issues result when failure to control upwind sources of ozone and NO_x creates a need for greater emissions reductions from local sources in order for a downwind area to achieve the ambient air quality standard. The draft rule cites EPA's intention to consider the issue of ozone transport in the context of a transport rulemaking being initiated to address the transport of PM_{2.5} precursors, including NO_x, since NO_x affects ambient concentrations of both PM_{2.5} and ozone. The draft rule goes on to describe the potential complication that downwind areas could still face if the upwind area's attainment date is later than the downwind area.

The transport rulemaking may prove beneficial to those downwind areas that are impacted by transport. However, these downwind areas will remain subject to sanctions unless they can be recognized as 'attainment but for transport' or classified as a subpart 1 nonattainment area due to transport. Leaving the State responsible for providing adequate emission reductions by the applicable attainment date does not do enough to protect these areas that cannot attain on their own. We recommend that the transport classification be included in the final rule.

Issue: How will EPA address transport of ground-level ozone and its precursors for rural nonattainment areas, multi-State nonattainment areas, areas affected by intrastate transport, and international transport?

We support the concept of the 'rural transport area' provision of Section 182(h) of the Act. However, we recommend that under the 8-hour ozone implementation rule, these rural transport areas be given an option regarding the implementation of the requirements of marginal ozone nonattainment areas. If the area can demonstrate that the provisions would provide no improvement in 8-hour ozone concentrations in the rural transport area, the area should be allowed to opt out of the requirements. This is consistent with the discussion of the transport classification under subpart 1.

The discussion of intrastate transport does not provide relief to the downwind, impacted areas. Encompassing upwind and downwind areas into large nonattainment areas would unfairly penalize the downwind areas. It is understood that each State is responsible for intrastate transport but in cases where a downwind area's attainment status is determined by transport, these areas must be given some relief from being 'bumped-up' to a higher classification or otherwise sanctioned for failure to attain. We recommend that the transport classification be included in the final rule.

Issue: How should the NSR Program be implemented under the 8-hour ozone NAAQS?

EPA is proposing to amend both the NSR and PSD regulations to expressly include NOx as an ozone precursor in major PSD and major nonattainment NSR programs. EPA is also proposing a transitional NSR option for areas expected to attain the 8-hour standard within 3 years as well as transport areas.

We support EPA's plan to include NOx as an ozone precursor in both the PSD and NSR programs. We also support the transitional NSR option with the 100-ton per year major source threshold, the requirement for BACT in lieu of LAER and relief from the emission offset requirements.

Message Copied

To: _____

"Price, David G CIV" <david.g.price@navy.mil>
"Shaffer, Russell CDR" <russell.shaffer@navy.mil>
"Alison Ling (E-mail)" <ling_alison@bah.com>
"Anne David (E-mail)" <Gadavid@aol.com>
"Pamela S Morris (E-mail)" <Morris.Pamela@hq.navy.mil>



pic10943.pc